

SSB 6072 - S AMD 443
By Senator Swecker

ADOPTED 04/26/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW
4 to read as follows:

5 (1) Money deposited in the segregated subaccount of the air
6 pollution control account under RCW 46.68.020(2) shall be distributed
7 as follows:

8 (a) Eighty-five percent shall be distributed to air pollution
9 control authorities created under this chapter. The money must be
10 distributed in direct proportion with the amount of fees imposed under
11 RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the
12 boundaries of each authority. However, an amount in direct proportion
13 with those fees collected in counties for which no air pollution
14 control authority exists must be distributed to the department.

15 (b) The remaining fifteen percent shall be distributed to the
16 department.

17 (2) Money distributed to air pollution control authorities and the
18 department under subsection (1) of this section must be used as
19 follows:

20 (a) Eighty-five percent of the money received by an air pollution
21 control authority or the department must be used to retrofit school
22 buses with exhaust emission control devices or to provide funding for
23 fueling infrastructure necessary to allow school bus fleets to use
24 alternative, cleaner fuels.

25 (b) The remaining fifteen percent may be used by the air pollution
26 control authority or department to reduce vehicle air contaminant
27 emissions and clean up air pollution, or reduce and monitor toxic air
28 contaminants.

29 (3) Money in the air pollution control account may be spent by the
30 department only after appropriation.

1 (4) The department shall provide a report to the legislative
2 transportation committees on the progress of the implementation of this
3 section by December 31, 2004.

4 NEW SECTION. **Sec. 2.** The sum of ten million dollars is
5 appropriated for the biennium ending June 30, 2005, from the segregated
6 subaccount of the air pollution control account to the department of
7 ecology for the purposes of section 1 of this act.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.56 RCW
9 to read as follows:

10 The vessel response account is created in the state treasury.
11 Grants, gifts, and federal funds may be deposited into the account.
12 Oil spill penalties assessed against ships under RCW 90.56.330 and
13 90.48.144 shall also be deposited into the account as well as the money
14 distributed under RCW 46.68.020(2). Moneys in the account may be spent
15 only after appropriation. The department of ecology is authorized to
16 utilize the vessel response account to preposition a dedicated rescue
17 tug at the entrance to the Strait of Juan de Fuca to reduce the risk of
18 major maritime accidents and oil spills on the outer coast and western
19 strait. Prior to authorizing the rescue tug to respond to a distressed
20 vessel, the department shall work with the United States Coast Guard
21 and industry to determine if another capable, unencumbered commercial
22 tug is available in the area that can respond. If such a tug can
23 respond without increasing the risk of a casualty, it should be
24 deployed as the tug of choice and the state-contracted rescue tug
25 should not be taken off standby duty. The department is also
26 authorized to spot charter tugs as needed during major storms and other
27 high risk periods to protect maritime commerce and the environment
28 anywhere in state waters.

29 The department shall not proceed with rule making related to
30 emergency towing pursuant to chapter 88.46 RCW, so long as the deposit
31 of the fee into the vessel response account under RCW 46.68.020(2) is
32 continued and is appropriated for the purpose of the dedicated rescue
33 tug.

1 NEW SECTION. **Sec. 4.** The department of ecology shall complete an
2 evaluation of tug escort requirements for laden tankers to determine if
3 the current escort system requirements under RCW 88.16.190 should be
4 modified to recognize safety enhancements of the new double hull
5 tankers deployed with redundant systems. The department shall provide
6 a report with recommendations to the governor and the appropriate
7 committees of the legislature by January 1, 2005.

8 NEW SECTION. **Sec. 5.** (1) The sum of two million eight hundred
9 seventy-six thousand dollars is appropriated for the biennium ending
10 June 30, 2005, from the vessel response account to the department of
11 ecology for the purposes of section 3 of this act.

12 (2) The sum of two hundred thousand dollars is appropriated for the
13 biennium ending June 30, 2005, from the oil spill prevention account to
14 the department of ecology for the purposes of section 4 of this act.

15 **Sec. 6.** RCW 46.12.040 and 2002 c 352 s 3 are each amended to read
16 as follows:

17 (1) The application accompanied by a draft, money order, certified
18 bank check, or cash for five dollars, together with the last preceding
19 certificates or other satisfactory evidence of ownership, shall be
20 forwarded to the director.

21 (2) The fee shall be in addition to any other fee for the license
22 registration of the vehicle. The certificate of ownership shall not be
23 required to be renewed annually, or at any other time, except as by law
24 provided.

25 (3) In addition to the application fee and any other fee for the
26 license registration of a vehicle, the department shall collect from
27 the applicant a fee of fifteen dollars for vehicles previously
28 registered in any other state or country. ~~((The proceeds from the fee
29 shall be deposited in the motor vehicle fund. For vehicles requiring
30 a physical examination, the inspection fee shall be fifty dollars and
31 shall be deposited in the motor vehicle fund.))~~

32 **Sec. 7.** RCW 46.12.101 and 2002 c 279 s 1 are each amended to read
33 as follows:

1 A transfer of ownership in a motor vehicle is perfected by
2 compliance with the requirements of this section.

3 (1) If an owner transfers his or her interest in a vehicle, other
4 than by the creation, deletion, or change of a security interest, the
5 owner shall, at the time of the delivery of the vehicle, execute an
6 assignment to the transferee and provide an odometer disclosure
7 statement under RCW 46.12.124 on the certificate of ownership or as the
8 department otherwise prescribes, and cause the certificate and
9 assignment to be transmitted to the transferee. The owner shall notify
10 the department or its agents or subagents, in writing, on the
11 appropriate form, of the date of the sale or transfer, the name and
12 address of the owner and of the transferee, the transferee's driver's
13 license number if available, and such description of the vehicle,
14 including the vehicle identification number, the license plate number,
15 or both, as may be required in the appropriate form provided or
16 approved for that purpose by the department. The report of sale will
17 be deemed properly filed if all information required in this section is
18 provided on the form and includes a department-authorized notation that
19 the document was received by the department, its agents, or subagents
20 on or before the fifth day after the sale of the vehicle, excluding
21 Saturdays, Sundays, and state and federal holidays. Agents and
22 subagents shall immediately electronically transmit the seller's report
23 of sale to the department. Reports of sale processed and recorded by
24 the department's agents or subagents may be subject to fees as
25 specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the
26 department shall create a system enabling the seller of a vehicle to
27 transmit the report of sale electronically. The system created by the
28 department must immediately indicate on the department's vehicle record
29 that a seller's report of sale has been filed.

30 (2) The requirements of subsection (1) of this section to provide
31 an odometer disclosure statement apply to the transfer of vehicles held
32 for lease when transferred to a lessee and then to the lessor at the
33 end of the leasehold and to vehicles held in a fleet when transferred
34 to a purchaser.

35 (3) Except as provided in RCW 46.70.122 the transferee shall within
36 fifteen days after delivery to the transferee of the vehicle, execute
37 the application for a new certificate of ownership in the same space

1 provided therefor on the certificate or as the department prescribes,
2 and cause the certificates and application to be transmitted to the
3 department.

4 (4) Upon request of the owner or transferee, a secured party in
5 possession of the certificate of ownership shall, unless the transfer
6 was a breach of its security agreement, either deliver the certificate
7 to the transferee for transmission to the department or, when the
8 secured party receives the owner's assignment from the transferee, it
9 shall transmit the transferee's application for a new certificate, the
10 existing certificate, and the required fee to the department.
11 Compliance with this section does not affect the rights of the secured
12 party.

13 (5) If a security interest is reserved or created at the time of
14 the transfer, the certificate of ownership shall be retained by or
15 delivered to the person who becomes the secured party, and the parties
16 shall comply with the provisions of RCW 46.12.170.

17 (6) If the purchaser or transferee fails or neglects to make
18 application to transfer the certificate of ownership and license
19 registration within fifteen days after the date of delivery of the
20 vehicle, he or she shall on making application for transfer be assessed
21 a twenty-five dollar penalty on the sixteenth day and two dollars
22 additional for each day thereafter, but not to exceed one hundred
23 dollars. The director may by rule establish conditions under which the
24 penalty will not be assessed when an application for transfer is
25 delayed for reasons beyond the control of the purchaser. Conditions
26 for not assessing the penalty may be established for but not limited to
27 delays caused by:

- 28 (a) The department requesting additional supporting documents;
- 29 (b) Extended hospitalization or illness of the purchaser;
- 30 (c) Failure of a legal owner to release his or her interest;
- 31 (d) Failure, negligence, or nonperformance of the department,
32 auditor, or subagent.

33 Failure or neglect to make application to transfer the certificate
34 of ownership and license registration within forty-five days after the
35 date of delivery of the vehicle is a misdemeanor.

36 (7) Upon receipt of an application for reissue or replacement of a
37 certificate of ownership and transfer of license registration,

1 accompanied by the endorsed certificate of ownership or other
2 documentary evidence as is deemed necessary, the department shall, if
3 the application is in order and if all provisions relating to the
4 certificate of ownership and license registration have been complied
5 with, issue new certificates of title and license registration as in
6 the case of an original issue and shall transmit the fees together with
7 an itemized detailed report to the state treasurer(~~(, to be deposited~~
8 ~~in the motor vehicle fund)~~).

9 (8) Once each quarter the department shall report to the department
10 of revenue a list of those vehicles for which a seller's report has
11 been received but no transfer of title has taken place.

12 **Sec. 8.** RCW 46.68.020 and 2002 c 352 s 21 are each amended to read
13 as follows:

14 The director shall forward all fees for certificates of ownership
15 or other moneys accruing under the provisions of chapter 46.12 RCW to
16 the state treasurer, together with a proper identifying detailed
17 report. The state treasurer shall credit such moneys (~~(to the~~
18 ~~multimodal transportation account in RCW 47.66.070, and all expenses~~
19 ~~incurred in carrying out the provisions of that chapter shall be paid~~
20 ~~from such account as authorized by legislative appropriation)) as
21 follows:~~

22 (1) The fees collected under RCW 46.12.040(1) shall be credited to
23 the multimodal transportation account in RCW 47.66.070.

24 (2)(a) Beginning with the effective date of this section, and until
25 July 1, 2008, the fees collected under RCW 46.12.080, 46.12.170, and
26 46.12.181 shall be credited as follows:

27 (i) 58.12 percent shall be credited to a segregated subaccount of
28 the air pollution control account in RCW 70.94.015;

29 (ii) 15.71 percent shall be credited to the vessel response account
30 created in section 3 of this act; and

31 (iii) The remainder shall be credited into the transportation 2003
32 account (nickel account).

33 (b) Beginning July 1, 2008, and thereafter, the fees collected
34 under RCW 46.12.080, 46.12.170, and 46.12.181 shall be credited to the
35 transportation 2003 account (nickel account).

1 (3) All other fees under chapter 46.12 RCW shall be credited to the
2 motor vehicle account, unless specified otherwise.

3 NEW SECTION. Sec. 9. Sections 1 and 3 of this act expire July 1,
4 2008."

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5 On page 1, line 1 of the title, after "response;" strike the
6 remainder of the title and insert "amending RCW 46.12.040, 46.12.101,
7 and 46.68.020; adding a new section to chapter 70.94 RCW; adding a new
8 section to chapter 90.56 RCW; creating a new section; making
9 appropriations; and providing an expiration date."

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